



APPLICATION SPECIAL USE PERMIT

ADMINISTRATIVE CHANGE OF OWNERSHIP OR MINOR AMENDMENT

☐ Change of Ownership ☒ Minor Amendment

[must use black ink or type]

PROPERTY LOCATION: 814 N Fairfax St Alexandria VA 22314

TAX MAP REFERENCE: 5503 - 01-06 **ZONE:** _____

APPLICANT

Name: Michael F Cofy

Address: 2502 Ryegate Lane Alexandria VA 22308

PROPERTY OWNER

Name: Michael F Cofy

Address: 814 N Fairfax St Alex VA 22314

SITE USE: _____

☐ **THE UNDERSIGNED** hereby applies for a Special Use Permit for **Change in Ownership**, in accordance with the provisions of Article XI, Division A, Section 11-503 (5)(f) of the 1992 Zoning Ordinance of City of Alexandria, Virginia.

☐ **THE UNDERSIGNED**, having read and received a copy of the special use permit, hereby agrees to comply with all conditions of the current special use permit, including all other applicable City codes and ordinances.

☐ **THE UNDERSIGNED** hereby applies for a Special Use Permit for **Minor Amendment**, in accordance with the provisions of Article XI, Division A, Section 11-509 and 11-511 of the 1992 Zoning Ordinance of City of Alexandria, Virginia.

☐ **THE UNDERSIGNED**, having obtained permission from the property owner, hereby requests this special use permit. The undersigned also attests that all of the information herein required to be furnished by the applicant are true, correct and accurate to the best of his/her knowledge and belief.

Michael F Cofy
Print Name of Applicant or Agent

814 N Fairfax St
Mailing/Street Address

Alex VA 22314
City and State Zip Code

[Signature]
Signature

703 6843613 703 684 0203
Telephone # Fax #

info @ Bruscatos . Com
Email address

1 - 6 - 2012
Date

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

Application Received: _____

Fee Paid: \$ _____

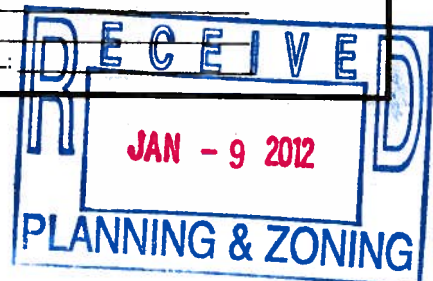
Legal advertisement: _____

ACTION - PLANNING COMMISSION _____

ACTION - CITY COUNCIL: _____

Application Admin Change Ownership.pdf

8/1/06 Prnz\Applications, Forms, Checklists\Planning Commission



The following information must be furnished to the Department of Planning and Zoning to determine if the current use conducted on the premises complies with the special use permit provisions and all other applicable codes and ordinances.

1. Please describe prior special use permit approval for the subject use.

Most recent Special Use Permit # sup 2001-0024

Date approved: june / 07 / 2005
month day year

Name of applicant on most recent special use permit Michael Cogh

Use _____

2. Describe below the nature of the existing operation in detail so that the Department of Planning and Zoning can understand the nature of the change in operation; include information regarding type of operation, number of patrons served, number of employees, parking availability, etc. (Attach additional sheets if necessary.)

my sup permit hours are from 7AM to 7pm
and I would like to change of hours from 7AM to 9pm
because I noticed that a lot of customers are arriving
late home and we are closed. by adding two hours
this should generate more sales.

3. Describe any proposed *changes* to the business from what was represented to the Planning Commission and City Council during the special use permit approval process, including any proposed changes in the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, any noise emitted by the use, etc. (Attach additional sheets if necessary)

nature of the Business and activity stay the same
and even the number of employees stay the same
the only change I need is 2 hours more so
I can generate more sales in this difficult economic
times

4. Is the use currently open for business? ☒ Yes ☐ No

If the use is closed, provide the date closed.

____/____/____
month day year

5. Describe any proposed changes to the conditions of the special use permit:

only 2 additional hours

6. Are the hours of operation proposed to change? ☒ Yes ☐ No

If yes, list the current hours and proposed hours:

Current Hours:

7-9 pm

Proposed Hours:

7-9 pm

7. Will the number of employees remain the same? ☒ Yes ☐ No

If no, list the current number of employees and the proposed number.

Current Number of Employees:

Proposed Number of Employees:

8. Will there be any renovations or new equipment for the business? ☐ Yes ☒ No

If yes, describe the type of renovations and/or list any new equipment proposed.

9. Are you proposing changes in the sales or service of alcoholic beverages? ☐ Yes ☒ No

If yes, describe proposed changes:

10. **Is off-street parking provided for your employees?** ☒ Yes ☐ No
If yes, how many spaces, and where are they located?

3 parking

11. **Is off-street parking provided for your customers?** ☐ Yes ☒ No
If yes, how many spaces, and where are they located?

12. **Is there a proposed increase in the number of seats or patrons served?** ☐ Yes ☒ No
If yes, describe the current number of seats or patrons served and the proposed number of seats and patrons served. For restaurants, list the number of seats by type (i.e. bar stools, seats at tables, etc.)

Current:

Proposed:

13. **Are physical changes to the structure or interior space requested?** ☐ Yes ☒ No
If yes, attach drawings showing existing and proposed layouts. In both cases, include the floor area devoted to uses, i.e. storage area, customer service area, and/or office spaces.

14. **Is there a proposed increase in the building area devoted to the business?** ☐ Yes ☒ No
If yes, describe the existing amount of building area and the proposed amount of building area.

Current:

Proposed:

15. **The applicant is the** (check one) ☐ Property owner ☒ Lessee

☐ other, please describe: _____

16. **The applicant is the** (check one) ☒ Current business owner ☐ Prospective business owner

☐ other, please describe: _____

17. Each application shall contain a clear and concise statement identifying the applicant, including the name and address of each person owning an interest in the applicant and the extent of such ownership interest. If the applicant, or one of such persons holding an ownership interest in the applicant is a corporation, each person owning an interest in excess of ten percent (10%) in the corporation and the extent of interest shall be identified by name and address.

For the purpose of this section, the term "ownership interest" shall include any legal or equitable interest held in the subject real estate at the time of the application. If a nonprofit corporation, the name of the registered agent must be provided.

Please provide ownership information here:

100 % Michael F. Goff 2502 Ryegate Lane Alex VA 22308

Docket Item #15
SPECIAL USE PERMIT #2005-0024

Planning Commission Meeting
June 7, 2005

ISSUE: Consideration of a request for a special use permit for a change of ownership and hours of operation of a restaurant.

APPLICANT: Mikhael Copty

LOCATION: 814 North Fairfax Street
Bruscatos Deli

ZONE: CRMU-X/Commercial Residential Mixed Use

CITY COUNCIL ACTION, JUNE 21, 2005: City Council approved the Planning Commission recommendation.

PLANNING COMMISSION ACTION, JUNE 7, 2005: By u unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended conditions found in Section III of this report.

SITE GRAPHIC
AVAILABLE IN THE PLANNING AND ZONING OFFICE

I. DISCUSSION

REQUEST

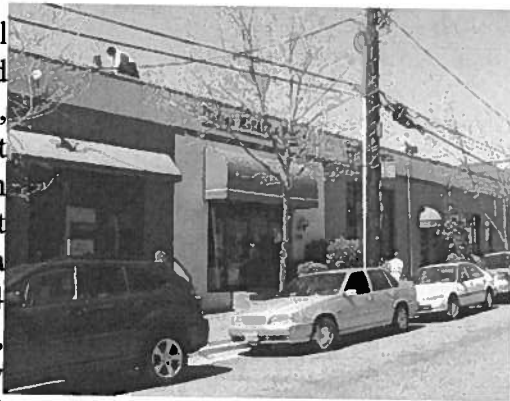
The applicant, Mikhael Copty, requests special use permit approval to change the hours of operation and ownership of an existing restaurant, Bruscatos Deli, located at 814 North Fairfax Street within the Montgomery Center.

SITE DESCRIPTION

The subject property is one lot of record with approximately 100 feet of frontage on North Fairfax Street, approximately 80 feet of depth and a total lot area of 8,000 square feet. The Montgomery Center is a mixed use development of 92,395 square feet. Immediately to the south is a vacant tenant space, to the north is the Renaissance Tile and Bath Store and across North Fairfax Street, to the east is a five-story office building.

BACKGROUND

On November 6, 1989, City Council granted Special Use Permit #2313 for the operation of a full service and carry-out restaurant at the subject property. On July 3, 1990, City Council granted Special Use Permit #2313-A to add seating to the existing restaurant. On April 7, 1992, City Council granted Special Use Permit #2313-B to Bruscatos Deli for the expansion of a kitchen area of the existing restaurant located at 814 North Fairfax Street. On June 17, 1997, SUP#97-0087, an administrative change of ownership was approved by the Director of Planning and Zoning and issued to Faud G. Farah and Sons.



On March 16, 2005, staff visited the restaurant and found the restaurant to be operating beyond the hours specified in Special Use Permit #97-0087. The applicant filed this applications as a result. Staff found no other violations.

PROPOSAL

The applicant proposes to change the hours of operation and ownership. The existing and proposed hours are as follows:

Existing

10:30 a.m. to 7:30 p.m.,
Monday through Friday

10:30 a.m. to 4:30 p.m.,
Saturday, Closed, Sunday

Proposed

7:00 a.m. to 3:00 p.m.,
Monday through Friday

Closed, Saturday and Sunday

There are no other changes proposed to the existing restaurant. The characteristics of the restaurant are as follows:

- Seating: The existing restaurant has 13 seats.
- Customers: The existing restaurant has approximately 65 customers per day.
- Trash: The existing restaurant has an enclosed area where trash is stored which is shared by the adjacent tenant space. Trash is collected daily.
- Loading: Loading will occur once a week, between 7:00 a.m. and 8:00 a.m. from the street.

PARKING

Condition #9 of Special Use Permit #97-0087 requires the applicant to provide a lease agreement for the required three off-street parking spaces. The applicant has submitted documentation of a parking lease agreement with Colonial Parking to the Department of Planning and Zoning. (See attached parking agreement.)

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CRMU-X/ Commercial Residential Mixed Used zone (Old Town North). Section 5-403(V) of the Zoning Ordinance allows a restaurant in the CRMU-X zone only with a special use permit.

The proposed use is consistent with the Old Town North Small Area Plan chapter of the Master Plan, which designates the property for commercial/residential mixed use.

II. STAFF ANALYSIS

Staff recommends approval of the change in hours of operation and ownership of the existing restaurant located at 814 North Fairfax Street, within the Montgomery Center. Staff believes that the proposed hours are compatible with the existing retail, restaurant and service oriented uses in the shopping center.

The applicant's proposed hours of operation are between 7:00 a.m. and 3:30 p.m. Monday through Friday. Staff recommends hours of operation from 7:00 a.m. to 7:00 p.m. seven days week. These hours of operation are the same as Perks Coffee Shop and Suns' Cafe, two other restaurants in the 800 block of North Fairfax Street.

Staff has included a number of standard restaurant conditions, including requiring a security survey and robbery awareness program for employees. Staff has also included a condition

requiring a review of the restaurant after it has been operational for one year so that if there are problems with its operation, additional conditions may be imposed. With these conditions, staff recommends approval of the special use permit.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)(SUP#2313)
2. Seating shall be provided for no more than 13 patrons. (P&Z)(SUP#2313)
3. That no outside dining facilities be located on the premises. (P&Z)(SUP#2313)
4. No food, beverages, or other material shall be stored outside. (P&Z)(SUP#2313)
5. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z)
6. Condition deleted. (P&Z)
7. That two (2) standard City trash containers be furnished to the City of Alexandria for installation by the City on the adjacent public right of way. (P&Z)(SUP#2313)
8. The hours of operation of the restaurant shall be limited to between 7:00 a.m and 7:00 p.m. daily. (P&Z)
9. That the applicant provide a lease agreement for three off-street parking spaces prior to the issuance of a Certificate of Occupancy. (P&Z)(SUP#2313)

10. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)
11. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
12. Alcoholic beverages are not permitted. (P&Z)
13. The applicant shall install at least one trash container within the restaurant for customers' use. (P&Z)
14. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)
15. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
16. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)
17. The applicant is to contact the Community relations Unit of the Alexandria Police Department at 703-838-4520 for a security survey for the business and a robbery awareness program for the employees. (Police)
18. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)
19. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)

20. The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director;
Mary Christesen, Planning Technician.

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become

void.

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers.
- R-2 The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services.
- R-3 All loudspeakers shall be prohibited from the exterior of the building and no amplified noise shall be audible at the property line.

Code Enforcement:

- C-1 A new fire prevention permit is required due to the change in ownership.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Permits are non-transferable.
- C-3 This facility must meet current Alexandria City Code requirements for food establishments. A "Change of Ownership Inspection" has been completed by Environmental Health.
- C-4 If changes to the facility are to be done, five sets of plans must be submitted to and approved by this department prior to construction. Plans must comply with

the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.

- C-5 Permits must be obtained prior to operation.
- C-6 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-7 Certified Food Managers must be on duty during all hours of operation.
- F-1 This facility is currently operating as Bruscato's under an Alexandria Health permit, issued to F.G. Farah.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

- F-1 The Police Department had no objections to the change in operating hours.

SUP#2005-0024
814 North Fairfax Street

**REPORT ATTACHMENTS
AVAILABLE IN THE PLANNING AND ZONING OFFICE**